

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

THE BLACK & DECKER CORPORATION,)	Case No. 1:11-cv-05426
BLACK & DECKER INC. and BLACK &)	
DECKER (U.S.) INC.,)	
)	
Plaintiffs,)	Judge Robert M. Dow, Jr.
)	
v.)	Magistrate – Judge Geraldine
)	Soat Brown
POSITEC USA INC. and RW DIRECT, INC.,)	
)	
Defendants.)	
_____)	

STIPULATION OF DISMISSAL PURSUANT TO RULE 41(a)(1)(A)(ii)

By agreement of the Plaintiffs, The Black & Decker Corporation, Black & Decker Inc., and Black & Decker (U.S.) Inc. (“Plaintiffs”), and the Defendants, Positec USA Inc. and RW Direct, Inc. (“Defendants”), and subject to the Court’s approval, it is hereby STIPULATED AND AGREED AND ORDERED as follows:

1. Pursuant to FED. R. CIV. P. 41(a)(1)(A)(ii), all claims and defenses with respect to Count I of the Amended Complaint (asserting infringement of U.S. Patent Nos. 5,604,954; 6,263,975; 6,612,376; and 6,926,090) and Count V (Federal Trademark Dilution) are hereby dismissed with prejudice, with each party bearing its own costs, attorneys’ fees, and expenses with respect to Counts I and V.
2. The parties expressly reserve all rights, claims and defenses with respect to Count II (Trademark Infringement); Count III (Unfair Competition and False Designation of Origin); Count IV (Federal Trade Dress Infringement); and Count VI (State Common Law Trademark Infringement and Unfair Competition) of the Amended Complaint (collectively, “The Remaining Counts”). Nothing herein shall be construed as a waiver

or dismissal of any portion of the parties' claims and defenses with respect to The
Remaining Counts.

Respectfully submitted,

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Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on September 22, 2015 the foregoing

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was filed with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing to the following counsel of record.

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I certify that all parties in this case are represented by counsel who are CM/ECF participants.

/s/ Raymond P. Niro, Jr.

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